

FILED

Phil Lombardi, Clerk
U.S. DISTRICT COURT

Plaintiff,

CASE NO.

v.

09 CV - 280 TCK TLW

FMS, INC.,

ATTORNEYS' LIEN CLAIMED FOR THE FIRM

Defendant.

JURY TRIAL DEMANDED

COMPLAINT

COMES NOW, the Plaintiff, by and through her attorney of record, David R. Blades of Armstrong & Lowe, P.C. and for her cause of action against the Defendant, Financial Management Services (“FMS”), shows the court as follows:

Jurisdiction

This court has jurisdiction as a result of a dispute arising under a federal question pursuant to 28 U.S.C. § 1331; more specifically a violation of 42 U.S.C. § 2000e.

Statement of the Case

1. The Plaintiff began her employment with the Defendant as a collector on or about September 2002.
2. The Defendant is a business entity that engages in the collection of debt and it's activities effect interstate commerce.
3. That beginning in October 2007, the Plaintiff began to suffer sexual harassment at the hands of an employee of the Defendant; namely her supervisor, Jason Rongey.
4. Some incidents include, but are not limited to, pouring candy in his crotch and asking the Plaintiff to "come and get it"; offering to pay the Plaintiff for sex; and asking that the Plaintiff get naked in exchange for aspirins or other minor items.

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5. Further, the Vice President of Operations asked the Plaintiff to “spank him” on numerous occasions.
6. The Plaintiff was further subjected to unwelcome attention when Rongey would send her sexual text messages.
7. The actions of the Defendant and it’s agents were continuous and constituted a pattern of conduct making the workplace sexually charged.
8. The Plaintiff reported this activity to the Defendant through it’s Human Resources Department on several occasions with the last report occurring on or about June 6, 2008, to no avail.
9. On or about July 10, 2008, the Defendant terminated the Plaintiff’s employment.
10. The Plaintiff filed a complaint with the Equal Employment Opportunity Commission; exhausted her administrative remedies and received her Notice of Right to Sue.

Count I
Sexual Harassment

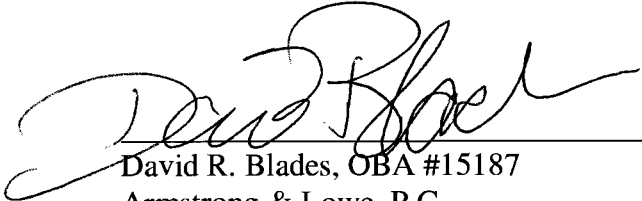
11. The Plaintiff incorporates paragraphs 1-10 by reference herein.
12. That the Plaintiff was subjected to unwelcome and offensive sexual advances and actions in the workplace.
13. That said sexual actions were severe, pervasive and altered the working conditions of the environment.
14. Further, that as a result of the Plaintiff refusing sexual advances by the agents of the Defendant she was terminated.
15. That at all times the Defendant’s conduct was intentional or done with reckless disregard of the Plaintiff’s rights.

Count II
Retaliation

16. The Plaintiff incorporates paragraphs 1-15 by reference herein.
17. The Plaintiff engaged in protected activity when she reported the sexual harassment in the workplace to the Defendant's Human Resources Department.
18. That the Plaintiff suffered an adverse employment action when she was terminated as a result of her engaging in said action.
19. That the Defendant's actions were intentional or done with reckless disregard of the Plaintiff's rights.

WHEREFORE, the Plaintiff prays for judgment against the Defendant for back pay; front pay; compensatory damages; including, but not limited to, damages for emotional pain and suffering; punitive damages; the cost of the action including a reasonable attorney fee; and other relief the court deems just and equitable.

Respectfully submitted,



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